

# **Exhibit H**

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**From:** Gulay, Erol  
**Sent:** Tuesday, August 17, 2021 7:22 PM  
**To:** 'Tenreiro, Jorge'; Guo, Joy; Waxman, Daphna A.; Zornberg, Lisa; 'Levander, Samuel'; 'Tatz, Nicole'; 'mflumenbaum@paulweiss.com'; 'mgertzman@paulweiss.com'; 'Dearborn, Meredith (mdearborn@paulweiss.com)'; 'Linsenmayer, Robin (rlinsenmayer@paulweiss.com)'; 'Bunting, Kristina' (kbunting@paulweiss.com)'; 'mkellogg@kellogghansen.com'; 'rfigel@kellogghansen.com'; 'Oppenheimer, Bradley E. <boppenheimer@kellogghansen.com> (boppenheimer@kellogghansen.com)'; 'Pfeffer, Eliana M. (epfeffer@kellogghansen.com)'; 'White, Collin R.' (cwhite@kellogghansen.com)'; Gressel, Anna; Ford, Christopher S.; Ceresney, Andrew J.; 'Solomon, Matthew'; 'Janghorbani, Alexander'; 'Bamberger, Nowell D.'  
**Cc:** Daniels, Jon; Moye, Robert M.; Hanauer, Benjamin J.; Stewart, Ladan F; Guerrier, Pascale; Sylvester, Mark  
**Subject:** RE: SEC v Ripple; August 5 Meet and Confer

Jorge,

We are continuing to work on your requests concerning the recordings, in particular your request for a description of the categories of recorded meetings. We would note for now that "XRP Markets" meetings would not have been recorded. Consistent with our prior agreement and the Court's orders concerning the custodial limitations to our responses to your RFPs, we also understand your request concerning recordings to be limited to the 33 custodians. We can also note for now that we agree to review for responsiveness and privilege the specific all-hands, XRP Working Group, and marketing/communications meetings that you cited in subsection (b) of your Aug. 13 email, to the extent the recordings exist and feature one or more of the 33 custodians.

Concerning your request for employees' notes, we are confirming whether any such repositories may exist and what the burden would be of collecting and searching for former employees' notes.

As to your request concerning Ms. Llyr's communications with digital asset platforms, Ripple agrees to provide a list of the platforms to which Llyr expressed Ripple's views as to the legal status of XRP, after a reasonably diligent search for such information in our current collection. Ripple will not, however, undertake to collect Ms. Llyr's email inbox.

Finally, in your Aug. 15 email, you mentioned that this was our "first request for recordings." That is not the case. Our first RFPs, dated Jan. 26, 2021, incorporates the definition of "Documents" from Local Civil Rule 26.3, which itself incorporates the definition in FRCP 34(a)(1)(A). According to that definition, a "Document" includes, inter alia, "sound recordings" and "other data compilations." Therefore, we do not agree that our request for responsive recordings is untimely.

We are willing to meet and confer further about your requests in case you have any questions about our responses.

Thanks,  
Erol